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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/691,435	10/18/2000	Takashi Yamaguchi	00-631	4930

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EXAMINER

ASHBURN, STEVEN L

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/691,435

Applicant(s)

YAMAGUCHI ET AL.

Examiner

Steven Ashburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 19-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 19-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

MARK SAGER
PRIMARY EXAMINER

DETAILED ACTION***Claim Rejections - 35 USC § 103***

Claims 1-7, 9, 10, 13-15 and 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kaneko* in view of *Harris*, U.S. Patent 2,364,141 (Dec. 22, 1941).

Kaneko discloses a roulette-like ball game machine has a rotary disk with a plurality of pockets arranged in a peripheral direction and assigned a number respectively, and a guide circle provided around the rotary disk at a somewhat higher position and joining to the rotary disk through an inclined surface. While the rotary disk is turned, a ball rolled along the guide circle falls inside and enters one of the pockets to decide a prize number. In such a ball game machine, a plurality of operation stands are arranged around the guide circle, the rotary disk is formed in an annular shape having a large inner diameter, a large-sized picture surface is provided within the central space of the rotary disk and various pictures are projected on the picture surface by an image projector. In particular, *Kaneko* describes an annular rotating disk fitted with a number plate (16) wherein the number plate is made of semitransparent acrylic. *See fig. 3; col. 4:14-22*. In other words, the number plate is a rotating semitransparent disk member. Thus, it describes the claimed feature of a rotating unit consisting of a transparent disk member. In particular, *Kaneko* teaches the following features of the applicant's claims:

- a. A rotating unit having a surface which rolls rolling bodies supplied thereon. *See fig. 3; col. 2:12-15. (Claims 1, 5, 14, 19, 20, 21)*
- b. Driving means for rotating the rotating unit in a fixed plane so that the supplied rolling bodies move outwardly from the rotating unit. *See fig. 3, 11; col. 8:35-44. (Claims 1, 19, 20, 21)*
- c. Information specified by the outward movement of each of the supplied rolling bodies is used as the result of a draw of numbers. *See fig. 14; col. 1:6-9. (Claims 1, 19, 21)*

Art Unit: 3714

- d. Unique information specified by the moving rolling bodies when the bodies have stopped is used as the result of the draw. *See id.* (Claims 2, 14)
- e. A plurality of regions to which unique symbols are assigned are provided along the periphery of the rotating unit and the result of the draw is determined by the symbols assigned to the regions in which the rolling bodies stops. *See id.* (Claims 3, 14, 21)
- f. N different symbols, determined by the outward movement of N rolling bodies, are specified as the results of the draw, wherein N represents a natural number not less than 2. *See id.* (Claims 4, 8)
- g. A plurality of catching units provided along the periphery of the rotating unit wherein the catching units each have a unique symbol assigned to the catching unit in which the moving body is caught. *See fig. 3; col. 1:6-9, 4:15-36.* (Claims 5, 20)
- h. The result of a draw of numbers is specified by the symbols assigned to the catching unit in which the moving rolling body is caught. *See id.* (Claims 5, 20)
- i. The plurality of catching units each include a detecting means for outputting a predetermined signal when the rolling body is caught and the output signal specifies the symbol assigned to the catching unit in which the rolling body is caught. *See col. 7:42-60.* (Claim 6)
- j. The catching units hold the rolling bodies so that the rolling bodies partly protrude and allow the rolling bodies to fall within predetermined timing. *See fig. 4; col. 7:60-64.* (Claim 7)
- k. Rolling-body supply means includes a supply hole for supplying the rolling bodies and a guidance mechanism for accelerating the rolling bodies and for guiding the rolling bodies to the surface. *See fig. 10* (Claim 9)
- l. The rolling bodies are spheres. *See col. 2:12-24.* (Claims 13, 23)
- m. The driving means dynamically changes the rotational speed and/or rotational direction of the rolling bodies. *See col. 1:47-56, 3:65-4:22.* (Claim 15, 24, 25)

Art Unit: 3714

n. The rotating unit consists of a transparent disk member and rotates in a plan perpendicular to the vertical axis of the disk member. *See col. 3:45-4:5. (Claims 16-18)*

o. The game machine is a bingo game machine in which the result of the draw provides different effects to a plurality of game players. *See fig. 14; col. 1:6-9. (Claim 22, 26, 27, 28)*

As listed above, *Keneko* teaches all the features of the instant claims except a rolling-body supply means for supplying rolling bodies from the central portion of the rotating unit to the surface such that the rolling bodies randomly travel outwardly from the supplied position in a direction toward the periphery of the rotating unit. Regardless of the deficiencies, the features were known in the art at the time of the invention and would have been obvious to an artisan in view of *Harris*.

Harris discloses an analogous ball-game device wherein outcomes are generated by rolling balls into locations on a rotating disk. *See fig. 9; col. 1:1-55*. In regards to the instant claims, the reference describes a ball-supply means wherein balls are released onto the rotating disk from centrally located hole. *See fig. 3; col. 1:27-35, 3:51-61*. *Harris* suggests the device provides a simple yet visually amusing game for both players and onlookers. *See col. 1:5-11*.

In view of *Harris*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the ball-game device taught by *Keneko*, wherein outcomes are generated shooting balls onto a rotating disk, to add the features of supplying rolling bodies from the central portion of the rotating unit to the surface such that the rolling bodies randomly travel outwardly from the supplied position in a direction toward the periphery of the rotating unit wherein the distance between the supply hole and the surface is equal in all directions. As suggested by *Harris*, the modification would enhance the device by providing a simple yet visually amusing game for both players and onlookers and thereby generate greater revenue for game operators due to the increased interest.

Art Unit: 3714

In regards to claim 28, the combination of *Kaneko* with *Harris* describes all the features of the claim except providing a photograph or decorative backing on the back of the rotating unit. Regardless, it is notoriously well known in the art to provide decorative backing on the back of transparent panels in gaming devices to add symbols or artwork and thereby provide indications or visual appeal to the device. For example, silk screening of artwork onto the glass of gaming machines. Thus, it would have been obvious to an artisan at the time of the invention to modify the gaming device described by the combination of *Kaneko* with *Harris*, wherein numbers are selected on a transparent disk, to add to feature of providing a photograph or decorative backing on the back of the rotating unit to increase the functionality or visual appeal to the device and thereby attract a greater number of patrons.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Kaneko* in view of *Harris*, as applied to claims 1-7, 9, 10, 13-15 and 19-28 above, in further view of *Miller*, U.S. Patent 1,491,961 (Jan. 25, 1922).

The ball-game device described by the combination of *Kaneko* with *Harris* suggests all the features of the claimed subject matter except releasing a plurality of rolling bodies from the catching units simultaneously. Regardless of the deficiencies, the features were known in the art at the time of the invention and would have been obvious to an artisan in view of *Miller*.

Miller discloses an analogous game device in which rolling bodies are released onto a rotating unit from a central location and outcomes are generated based on the symbols associated the stopping positions. In regards to the claim, the reference discloses generating a combination of outcomes for a game based on the stopping position of a plurality of rolling bodies. *See col. 1:8-40*. Hence, *Miller* generally suggests generating multiple outcomes for games requiring a combination of outcomes by capturing more than one rolling body.

In view of *Miller*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the ball-game device described by the combination of *Kaneko* with *Harris*, wherein the catching units release a ball after a set period, to add the feature of capturing a plurality of rolling bodies and releasing them the catching units simultaneously. As suggested by *Miller*, the modification would provide multiple outcomes by simultaneously releasing more than one rolling body onto the rotating unit. Consequently, the device would increase the rate of play resulting from the increased rate at which outcomes are generated and thereby generate greater operator revenue.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kaneko* in view of *Harris*, as applied to claims 1-7, 9, 10, 13-15 and 19-28 above, in further view of *Rothen*, U.S. Patent 2,001,500 (Mar. 14, 1935).

The ball-game device described by the combination of *Kaneko* with *Harris* suggests all the features of the claimed subject matter except a return wall for returning each of the rolling bodies which has not been caught by any of the catching unit wherein the return wall accelerates the rolling body and returns the rolling body. Regardless of the deficiencies, the features were known in the art at the time of the invention and would have been obvious to an artisan in view of *Rothen*.

Rothen discloses an analogous game device in which a rotating unit upon which rolling bodies are released from a central location and outcomes are generated based on the symbols associated with bodies stopping positions. *See col. 1:12-41*. In specific regards to the claims, the reference describes a wall for confining the rolling bodies to the playing surface. As a natural consequence of striking the fixed wall, the momentum of the rolling bodies would result in acceleration and thereby return the rolling body to the game surface. Hence, *Rothen* generally suggests employing a return wall in a game device in which rolling bodies are released from a central location towards catching units located on the periphery of a surface in order to keep the rolling bodies in play.

Art Unit: 3714

In view of *Rothen*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the ball-game device described by the combination of *Kaneko* with *Harris*, wherein rolling bodies are released from a central location towards catching units located on the periphery of a rotating surface, to add the feature of a return wall for returning each of the rolling bodies which has not been caught by any of the catching units wherein the return wall accelerates the rolling body and returns the rolling body. As suggested by *Rothen*, the modification would keep the rolling bodies in play and consequently, increase the likelihood of landing in a catching unit. As a result, the modification would increase the rate of play by generating more outcomes per attempt and thereby increase operator revenue due by avoiding null outcomes.

Response to Arguments

Applicant's arguments filed November 26, 2002 have been fully considered but they are not persuasive. The Applicant contends that the claimed invention distinguishes over the prior art, the prior art does not disclose the following features:

- (1) Rotating unit consisting of a transparent disk member.
- (2) Rolling body supply means which supplies rolling bodies from the central portion of the rotating unit.

The examiner respectfully disagrees.

The standard of patentability is what the prior art taken as a whole at a time prior to the invention suggests to an artisan. In this case, *Kaneko* (a.k.a. the '235 patent) discloses a roulette-like ball game machine has a rotary disk with a plurality of pockets arranged in a peripheral direction and assigned a number respectively, and a guide circle provided around the rotary disk at a somewhat higher position and joining to the rotary disk through an inclined surface. While the rotary disk is turned, a ball rolled along the guide circle falls inside and enters one of the pockets to decide a prize number. In such a ball game

Art Unit: 3714

machine, a plurality of operation stands are arranged around the guide circle, the rotary disk formed in an annular shape having a large inner diameter, a large-sized picture surface is provided within the central space of the rotary disk and various pictures are projected on the picture surface by an image projector. In particular, *Kaneko* describes an annular rotating disk fitted with a number plate (16) wherein the number plate is made of semitransparent acrylic. *See fig. 3; col. 4:14-22*. In other words, the number plate is a rotating semitransparent disk member. Thus, it describes the claimed feature of a rotating unit consisting of a transparent disk member.

Harris discloses an analogous device wherein outcomes are generated by rolling balls into locations on a rotating disk. *See fig. 9; col. 1:1-55*. In regards to the instant claims, the reference describes a ball-supply means wherein balls are released onto the rotating disk from centrally located hole. *See fig. 3; col. 1:27-35, 3:51-61*. *Harris* suggests the device provides a simple yet visually amusing game for both players and onlookers. *See col. 1:5-11*. Thus, *Harris* describes the claimed feature of a rolling body supply means which supplies bodies from the central portion of the unit.

Thus, when taken as a whole, the combination of *Kaneko* with *Harris*, suggests to an artisan at a time prior to the invention a number drawing apparatus having a rotating unit consisting of a transparent disk member and a rolling body supply means which supplies rolling bodies from the central portion of the rotating unit that is simple yet visually amusing game for both players and onlookers. *See Harris, col. 1:5-11*.

Conclusion

The following prior art of record is not relied upon but is considered pertinent to applicant's disclosure:

- a. U.S. Patent 4,712,796 to Reiss discloses a number selecting apparatus having a transparent rotating disk. *See abstract*.

Art Unit: 3714

- b. U.S. Patent 4,735,416 to McNally discloses a automatic roulette apparatus having a transparent, rotating disk. *See col. 6:30-35.*

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9302 for regular communications and 703 872 9303 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1078.

Steven Ashburn
March 11, 2003